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8 **UNITED STATES DISTRICT COURT**  
9 **DISTRICT OF NEVADA**  
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11 JOHN E. PIMENTEL, *et al.*,

12 Plaintiffs,

13 v.

14 COUNTRYWIDE HOME LOANS, INC.,  
15 *et al.*,

16 Defendants.  
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Case No. 2:10-CV-02125-KJD-CWH

**ORDER**

18 Before the Court is the Motion to Dismiss (#15) filed by Defendant Bank of America, N.A.  
19 An opposition to this Motion was due July 24, 2011. On July 22, 2011 a Notice of Bankruptcy (#16)  
20 was filed with the Court. Plaintiffs also sought to have the proceedings stayed. The Court denied the  
21 request for stay in its July 26, 2011 Order (#18), and noted that the automatic stay provision in 11  
22 U.S.C. § 362 is inapplicable to suits commenced by the bankrupt party. See In re White, 186 B.R.  
23 700, 704 (9th Cir. 1995).

24 On July 25, 2011 Plaintiffs' attorney filed a Motion to Withdraw (#17) from the case. The  
25 Motion to Withdraw was granted on September 23, 2011 (#27). Plaintiffs have not obtained new  
26 counsel.

1 Local Rule 7-2 provides that failure to oppose a motion constitutes consent to the granting of  
2 the motion. Plaintiffs are ordered to file any opposition to the Motion to Dismiss by January 19,  
3 2012. If Plaintiffs do not file an opposition by January 19, 2012 the Court will dismiss this action.

4 **IT IS SO ORDERED.**

5 DATED this 5<sup>th</sup> day of January 2012.

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Kent J. Dawson  
United States District Judge

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